

# **Committee on Resources**

## **Subcommittee on National Parks & Public Lands**

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### **Witness Statement**

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#### **STATEMENT OF DONALD J. BARRY, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, CONCERNING THE POLICY OF THE NATIONAL PARK SERVICE ON SNOWMOBILES.**

**MAY 25, 2000**

Mr. Chairman and members of the Committee, thank you for the opportunity to discuss the policy of the National Park Service ( NPS) relating to snowmobile use in national parks. Before I get to the heart of my testimony, I would like to take a minute to explain that although Yellowstone and Grand Teton may be mentioned by way of example, I am not prepared to discuss any administrative positions regarding snowmobiling in these two parks since these actions will not occur until the National Park Service has completed and published the final EIS, provided an additional 30-day public comment period on the final EIS, and described the final selected administrative action in the Record of Decision. This latter event is currently scheduled to take place in late fall of this year.

On April 26, 2000, the Department of the Interior and the NPS announced that NPS was recommitting itself to the strict enforcement of its long-standing, existing legal authorities regulating recreational snowmobiling in the National Park System. This would result in the significant curtailment of recreational use of snowmobiles in the Park System, with only a few limited exceptions. Over the past two decades, the National Park Service has neglected to consistently apply or enforce its own national snowmobile regulations, or to adhere to the requirements of existing Executive Orders regarding off-road vehicle use, including snowmobiles. This history of non-enforcement, while regrettable, is nonetheless, understandable, since in fairness to the Park Service, there has never been encouragement or support for the strict enforcement of its snowmobile regulations, until now. Unfortunately for our national parks, this neglect in enforcement has led to the establishment or expansion of snowmobiling in 42 units of the National Park System. And in most units in the lower 48 states where general recreational snowmobiling now occurs, it is not an essential, or the most appropriate, means of appreciating park resources in winter.

President Nixon first acted to proscribe this activity through Executive Order 11644 (February 8, 1972), which directed that units of the National Park System shall be closed to snowmobile use unless specifically opened in a given area, and that such use may be allowed only where it will not adversely affect the natural, aesthetic, or scenic values of the park. This Executive Order also mandated the National Park Service to monitor snowmobile use where it occurs, and to rescind or limit this use where it adversely affected the values of parks. In 1977 President Carter issued Executive Order 11989, which provided that snowmobile use shall be prohibited when it is found that it may cause, or is causing, considerable adverse effects on the soil, vegetation, wildlife habitat, or cultural or historic resources of public lands.

The National Park Service arrived at its decision to recommit itself to the enforcement of its snowmobile regulations and policies based on the convergence of two separate, but related, events. First, in January of

1999, the Service received a rulemaking petition from the Blue Water Network and 60 other environmental organizations seeking a ban on snowmobiles from all units of the National Park System. Department of the Interior administrative procedures require that agencies fully consider and respond to all rulemaking petitions they receive.

Accordingly, NPS was prompted to begin a system-wide review of snowmobiling in response to the Blue Water Network petition. We sent a questionnaire-survey to 42 units of the Park System that currently allow recreational snowmobiling. It was designed to assess the extent to which snowmobiling exists within those parks, and the extent to which those parks had complied with existing Park Service regulations and past Executive Orders regulating snowmobile use. The results graphically demonstrated that the National Park Service was not complying with its statutory and regulatory mandates, since in almost every instance, our administrative records were either incomplete, significantly out of date, or inadequate to allow recreational snowmobiling to continue. Consequently, maintaining the status quo with regard to snowmobiling was simply not an option. Accordingly, the National Park Service rededicated itself to enforcing its existing regulations by significantly curtailing snowmobile use in national parks where appropriate.

The second event involved the Park Service's settlement of a lawsuit alleging that snowmobiling in Yellowstone and Grand Teton National Parks was generating significant adverse environmental effects in those parks. As a result of the lawsuit settlement agreement, the Park Service released a Draft Winter Use Plan and EIS for those two parks last summer that focused on alternative management approaches to snowmobiling. By analyzing snowmobiling's environmental effects as part of the Winter Use Planning process, the Service has developed an updated assessment of the adverse environmental impacts to park resources and values that occur when current Park Service regulatory standards are not enforced.

The National Park Service Organic Act and the NPS General Authorities Act together provide that the resources and values of national parks (including air quality, natural soundscapes, native wildlife, and opportunities to experience the enjoyment of all park resources and values) must not be impaired. Pursuant to this mandate, a wide range of Executive Orders (such as the ones noted above), and regulations have been issued that direct the National Park Service to take a precautionary approach to authorizing snowmobiling in the park system. Under Executive Order 11989, the National Park Service must first analyze snowmobile use in national parks before deciding whether to allow for such use and then continually monitor impacts if such use is ultimately deemed allowable. If either the initial written analysis or the later monitoring suggests that snowmobiling will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historical resources, the activity shall be immediately suspended.

Snowmobiling generates significant levels of air and noise pollution, often results in the harassment of wildlife, and conflicts with other visitors' quest for solitude and introspection in our park system. Historically, snowmobiles have used two-stroke engines. For a number of reasons, two-stroke engines emit a substantial amount of air pollutants. First, up to one-third of the fuel delivered to the engine goes straight through and out the tailpipe without being burned. Second, lubricating oil is mixed directly into the fuel, and is expelled as part of the exhaust. Third, poor combustion results in high emissions of air pollutants as well as several toxic pollutants, such as benzene and aromatic hydrocarbons that the EPA classifies as known probable human carcinogens.

When compared to other emission estimates, a snowmobile using a conventional two-stroke engine, on a per-passenger mile basis, emits approximately 36 times more carbon monoxide and 98 times more hydrocarbons than an automobile. Further, given that snowmobiles, by definition, are used primarily in

winter, the particular meteorological conditions prevalent at that time of the year can exacerbate the adverse environmental effects. Cold, stable atmospheric conditions with low wind speeds often lead to high levels of carbon monoxide accumulation, especially at park entrance stations in such heavy-use parks like Yellowstone. Indeed, our research shows that although there are 16 times more cars than snowmobiles in Yellowstone, snowmobiles generate between 68 and 90 percent of all hydrocarbons and 35 to 68 percent of all carbon monoxide released in Yellowstone. Indeed, a recent study conducted by the University of California at Davis suggests that Park employees and the surrounding environment are exposed to high levels of many toxic pollutants as a result of snowmobile use within the park.

Moreover, because the two-stroke engine's emissions pass unburned oil and gasoline directly into snow and ice, by spring melt, these pollutants have the potential of reaching park streams and lakes, with possible adverse effects on water quality and aquatic biota.

As for snowmobiling's impacts upon wildlife, winter is already the most stressful time of year for native wildlife in the parks and is the time of highest wildlife mortality. The rapid movement and relentless noise from snowmobiles adds considerable stress to native wildlife in the immediate vicinity and can cause significant disturbance of wildlife. For example, in the heavily used corridor between the town of West Yellowstone and Old Faithful, bison are regularly harassed by visitors on snowmobiles.

In addition to air pollution and conflicts with park wildlife, another impact from snowmobiles is noise pollution. Imagine yourself at Old Faithful in Yellowstone or at some other scenic wonder in a different national park. And imagine yourself trying to absorb the serenity and contemplative experience that visitors repeatedly report they come to national parks in search of, with the relentless whine of snowmobiles always within earshot. Recent noise studies show that 95% of the time a visitor is at Old Faithful in winter he or she will be hearing snowmobiles. Snowmobile noise is inescapable and persistent. According to recent visitor use surveys, this is not the type of experience that visitors to our national parks want. In fact, a particularly high premium is placed by visitors on both solitude and serenity.

We are aware that the snowmobile industry is working on a four-stroke engine that could potentially reduce snowmobile noise and pollutants. While we are fully supportive of the development of cleaner and quieter technology, to date, there are no definitive, comprehensive studies which document the degree to which four-stroke engines will mitigate the adverse impact that snowmobiles have on our parks. First, while they may be "cleaner" and "quieter", they are by no means "clean" or "quiet". Second, adverse effects on wildlife would remain a valid concern even with four-stroke engines. Additionally, we are not aware of any studies on how four-stroke engine snowmobiles would impact park resources. Such studies would be critical to formulating policy on four-stroke engines, since there is a strong possibility that even a reduced level of pollutants and noise would still adversely impact park resources in a manner that is unacceptable. Third, four-stroke engines are not being mass-produced by any manufacturer at this time. Moreover, in addition to lack of supply, the snowmobile industry has done little to create a public demand for four-stroke engines. At a minimum, the industry would first need to launch an extensive public relations campaign to lay the groundwork to prepare the marketplace public to accept slower, cleaner, and quieter four-stroke engines. As evidenced by very recent promotional materials for their latest product lines, however, they have chosen to do just the opposite. Unfortunately, EPA regulations on four-stroke engines will likely not be out and fully implemented for another 6 to 9 years. Meanwhile, the industry is still pitching faster, not slower and cleaner, machines. Without studies on impacts coupled with market acceptance and mass production, any discussion relating to the four-stroke engine is speculative and premature.

I'd like to take a minute to highlight some of the narrow exceptions to the restrictions we have proposed on

snowmobiling activity. Snowmobile use will be allowed where it transits through a park on designated roads or is necessary as the only practicable means of providing required or acceptable access to adjacent lands where snowmobiling is allowed. Snowmobile use will also be allowed where it is necessary to provide required winter access to private lands. Snowmobile use would also be allowed if it occurs entirely within the right-of-way of a state or county owned road that is routinely maintained by that entity of government.

In addition to these exceptions, snowmobile use will be allowed to continue in Voyageurs National Park, where it is provided for in the enabling legislation. With respect to Alaskan parks, snowmobile use for traditional and subsistence activities will continue, to the extent such use is consistent with the Alaska National Interest Lands Conservation Act. Snowmobile use for nontraditional activities in Alaska could be authorized by special regulation to the extent that such use is consistent with applicable park plans, regulations, and Executive Orders. Finally, our announcement will not apply to Yellowstone or Grand Teton National Parks, since these parks are in the final stages of a Winter Use Planning and EIS process which will be allowed to run its course. As stated above, the EIS was undertaken in response to the settlement of a lawsuit filed in May, 1977, alleging NPS violations of NEPA and other applicable statutes. A draft EIS was issued for public comment on August 15, 1999, and the final EIS will be released by September 30, 1999. Management actions regarding snowmobiling in those two parks will be determined by the outcome of the public EIS process.

This concludes my testimony. I would be happy to answer any of your questions.

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